

Serial No. 10/784,263

Docket No. 040034

Page 7

REMARKS

Applicants thank the Examiner for the consideration given the present application and for the indication of allowable subject matter. Claims 1, 2, and 4-8 are pending, of which claim 1 is independent.

Rejection under 35 U.S.C. §112, second paragraph

Claims 1, 2, and 5 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claim 1 is amended to address the issues noted in the Office Action with respect to use of the terms "the time" and "the speed". However, Applicants cannot agree that the phrase "at predetermined sampling periods" is vague and unclear. The rules require that terms be accorded their plain English meaning. In the present situation, the plain English meaning of "predetermined" is "known or determined in advance", which is hardly vague or unclear. Applicants' position that "predetermined" is neither vague nor unclear is supported by a brief review of recently issued patents, which uncovered more than 600,000 cases having claims in which "predetermined" is used in a similar fashion. See, e.g., U.S. 7,228,561; 7,228,554; and 7,228,546.

Claim 2 is amended to refer to "a newer running route". Amended claim 2 provides proper antecedent basis for all recited elements.

Serial No. 10/784,263
Docket No. 040034
Page 8

Amended claim 5 also provides proper antecedent basis for all recited elements, including "the time", "the speed", "the outside", "the arrival", and "a desired notifying point". However, as discussed above with respect to claim 1, Applicants cannot agree that "at predetermined sampling periods" and "predetermined notifying command" constitute vague, unclear expressions that render claim 5 indefinite.

Nonetheless, in deference to the fact that claims 5-8 would be allowed upon removal of the indefiniteness rejection, claim 5 is amended to eliminate the language deemed problematic in the Office Action.

Reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, are respectfully requested.

Claim Rejection under 35 U.S.C. §103

Claims 1, 2, and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jones (U.S. Jones) in view of Lamb (U.S. 6,184,802).

The present invention provides a system that allows a user to acquire a tour bus running route and to determine the point at which to get on/off. The system also notifies the user upon arrival at a prescribed point on the running route. The system acquires the latitude/longitude and time acquired at prescribed intervals. The user specifies get-on/get-off point on the basis of the latitude/longitude and time and acquires a running route including the get-on/get-off point.

Serial No. 10/784,263

Docket No. 040034

Page 9

The user can specify the get-on/get-off point using the speed computed from the latitude/longitude and time acquired. Preferably, the get-on/get-off point is a point where the speed is zero at a prescribed number of times of consecutive sampling periods. Since the get-on/get-off point is a point at which the speed is zero for a prescribed number of times of consecutive sampling periods, stoppage due to an unanticipated traffic jam can be excluded automatically.

Jones describes an advance notification system 10 for notifying passengers of impending arrival of a transportation vehicle (e.g., a bus) at a particular stop using a Global Positioning System (GPS) 25e to determine geographical position. The time at which the bus leaves the stop is recorded, and an event list 73 is maintained of past and current bus locations. Lamb describes a system for estimating vehicle arrival time. As indicated at column 6, line 9, Lamb discloses that vehicle position is determined when the vehicle comes to a stop.

The Office Action states on page 7 that Jones is able to determine stops of the bus by a schedule route that has stop locations and the opening and closing of the bus door. The Office Action further contends on page 8 that claim 1 is rendered indefinite by the negative limitation "excludes points where the touring bus comes to a complete stop due to traffic conditions". However, MPEP 2173.05(i) states, "The current view of the courts is that there is nothing inherently ambiguous or uncertain about a negative limitation....so long as the boundaries of

Serial No. 10/784,263
Docket No. 040034
Page 10

the patent protection sought are set forth definitely".

Therefore, this limitation should be given patentable weight. Since neither Jones nor Lamb discloses or suggests the above-noted feature, independent claim 1 is allowable over these references. Dependent claims 2 and 4 are also allowable due to their dependence of allowable independent claim 1, as well as for the additional limitations provided by these claims.

Reconsideration and withdrawal of the rejection of claims 1, 2, and 4 under 35 U.S.C. §103(a) are respectfully requested.

Serial No. 10/784,263

Docket No. 040034

Page 11

Conclusion

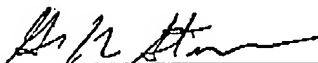
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance, and such action is earnestly requested.

Applicants hereby request a three-month extension of time in which to file this response and hereby authorize the Commissioner to charge any required fee not otherwise provided for, including application processing, extension, and extra claims fees, to Deposit Account 01-2134.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP

By:



George N. Stevens
Attorney for Applicants
Reg. No. 36,938

Docket No. 040034
1420 K Street, NW, Suite 400
Washington, DC 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

GNS:rk